

REMARKS

Claim 1 is amended and claim 114 is added herein. Claims 1-29 and 114 will be pending in this application upon entry of this amendment. Claims 1-14, 17-21, 114 are currently under consideration as claims 15, 16, and 22-29 having been withdrawn from consideration.

Support for the amendment to claim 1 can be found in applicants' specification at least at paragraph [00123], page 49. Support for new claim 114 can be found at least at paragraph [0070], page 24.

Response to Claim Rejections under 35 U.S.C. §102(b)

CLAIM 1

Amended claim 1 is directed to an absorbent article comprising:

a stretchable substrate; and

an absorbent composite comprising a layer of adhesive composition in contact with the stretchable substrate and a layer of particulate superabsorbent material applied to and held by the adhesive composition, the absorbent composite being secured to the substrate by the adhesive composition, the absorbent article being stretchable, the layer of particulate superabsorbent material remaining secured to the substrate by said adhesive upon stretching of the absorbent article.

Amended claim 1 is submitted to be unanticipated by and patentable over the references of record, and in particular U.S. Patent No. 5,496,429 (Hasse et al.), in that whether considered alone or in combination, the references fail to show or suggest an absorbent article having 1) a stretchable substrate, 2) a layer of particulate superabsorbent material applied to and held by an adhesive composition, and 3) the layer of particulate superabsorbent material remaining secured

to the substrate by the adhesive upon stretching of the absorbent article.

As shown in Figs. 10 and 11, Hasse et al. discloses an absorbent article having a chassis 14 and an absorbent assembly 22, which is formed separate from and attached to the chassis. The chassis 14 comprises an outer layer 48 and elastic ear flap members 90 secured inward of longitudinal side regions 88 of the outer layer. The absorbent assembly 22 comprises a topsheet 24, a backsheet 26 (characterized in the Office action as the recited substrate), and an absorbent core 28 (characterized in the Office action as the recited absorbent composite) sandwiched between the topsheet and the backsheet.

Nowhere do Hasse et al. disclose that the backsheet (26) is stretchable. Rather, Hasse et al. disclose that the backsheet is formed from a flexible, liquid impervious material, e.g., thin plastic films. See column 20, lines 48-62. The term "flexible" is not equated to being stretchable. Hasse et al. add that the elasticized leg cuffs disclosed therein are free from the backsheet so that the backsheet does not inhibit the leg cuffs. See column 21, lines 1-8. In other words, the backsheet of Hasse et al. is prevented from contacting the elasticized leg cuffs because the backsheet would inhibit the leg cuffs from stretching. Not only does Hasse et al. fail to teach or suggest that the backsheet is stretchable but they also infer that the backsheet is not stretchable.

Accordingly, Hasse et al. fails to teach or suggest a stretchable substrate as recited in claim 1.

Moreover, Hasse et al. fail to disclose that the adhesive securing the absorbent core to the backsheet has a layer of particulate superabsorbent material applied to it as recited in claim 1. As noted by the Office, Hasse et al. at column 20,

lines 20-25 discloses that the backsheet (26) can be adhesively secured to the absorbent core and it is recognized that the absorbent core of Hasse et al. can include superabsorbent polymers (see column 19, line 26). However, nowhere do Hasse et al. disclose that the superabsorbent polymers are adhered to the backsheet. Rather, superabsorbent polymers are often used in absorbent cores in combination with other absorbent materials (e.g., wood pulp, cellulose wadding, coform) that are also disclosed in Hasse et al. In fact, Hasse et al. states that the "absorbent core 28 is preferably a batt of airfelt and particles of absorbent gelling material." See column 19, lines 65-67. Often, absorbent gelling material is dispersed throughout the airfelt and not arranged in a layer. For other examples, see U.S. Patent Nos. 4,610,678; 4,673,402; 4,834,735; and 4,888,231, which are disclosed by Hasse et al. as disclosing exemplary absorbent structures that could be used as the absorbent core. See column 19, lines 50-65. Each of these patents discloses an absorbent core having a fibrous web with discrete hydrogel particles dispersed therein.

Adhering a fibrous web having discrete superabsorbent particles dispersed therein to a backsheet does not anticipate claim 1. The particles dispersed in the web are not in a layer nor are they necessarily applied to and held by the backsheet. As a result, Hasse et al. fails to teach or suggest a layer of particulate superabsorbent material being applied to and held by an adhesive composition as recited in claim 1.

Furthermore, Hasse et al. fail to teach or suggest that the absorbent article disclosed therein has a layer of particulate superabsorbent material remaining secured to the substrate by the adhesive upon stretching of the absorbent article as recited in amended claim 1. As mentioned above, Hasse et al. fails to teach or suggest a layer of particulate

superabsorbent and a stretchable substrate and therefore must also fail to teach or suggest this feature.

Claims 2-29 and 114 depend directly or indirectly from amended claim 1 and are submitted to be patentable over Hasse et al. for the same reasons as claim 1.

CLAIM 19

Claim 19 depends from claim 1 and recites that the stretchable substrate is elastic. As provided above with respect to claim 1, Hasse et al. does not disclose a stretchable substrate and therefore cannot disclose an elastic substrate. The passage of Hasse et al. relied on by the Office (i.e., column 20, lines 48-53) discloses that the backsheet is flexible. The term "flexible", as provided by Hasse et al., means that the backsheet is compliant (i.e., bendable or foldable) and readily conforms to the general shape and contours of the human body. See column 20, lines 51-53 of Hasse et al. Elastic, on the other hand, means that upon application of an elongating force, a material (or substrate) is elongatable in at least one direction and retracts to dimensions close to its original dimensions (e.g., within at least about 25 percent) upon removal of the elongating force. See page 17, paragraph [0056] of the present specification. Thus, Hasse et al. fail teach or suggest that the backsheet is elastic.

Accordingly, Hasse et al. fail to teach or suggest an elastic substrate as recited in claim 19. As a result, claim 19 is submitted to be further patentable over Hasse et al.

CLAIM 21

Claim 21 depends from claim 1 and recites, in part, that the absorbent article further comprises a second layer of particulate superabsorbent material being applied to and held by the second layer of adhesive composition. Since Hasse et al. fail altogether to disclose or suggest a layer of particulate superabsorbent material applied to and held by a layer of adhesive composition, Hasse et al. must fail to disclose or suggest a second layer of particulate superabsorbent material being applied to and held by the second layer of adhesive composition. Thus, claim 21 is submitted to be further patentable over Hasse et al.

Discussion of New Claim

CLAIM 114

Claim 114, as presented herein, depends from claim 1 and recites that the adhesive composition comprises at least one tackifier, the at least one tackifier comprising about 30 to about 65 percent by weight of the adhesive composition. Nowhere do Hasse et al. disclose using an adhesive composition with a tackifier as recited in new claim 114. Accordingly, new claim 114 is submitted to be further patentable over the references of record including Hasse et al.

CONCLUSION

In view of the foregoing, favorable consideration and allowance of claims 1-29 and 114 is respectfully requested.

While no fee is believed due with respect to this AMENDMENT B, the Commissioner is authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 19-1345.

Respectfully submitted,

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